

OLC 71-0538
24 June 1971

Honorable Charles E. Bennett
House of Representatives
Washington, D. C. 20515

Dear Mr. Bennett:

I apologize for the delay in answering your letter of 27 May 1971, but because representatives of the Agency have both talked with and written to [] before on the same points he now raises, the Agency has once again thoroughly examined his employment history. He does not meet the criteria for retirement under the Central Intelligence Agency Retirement and Disability System (CIARDS).

As you know Congress established CIARDS for a limited number of Agency employees who perform a minimum period of "qualifying service." Regulations implementing that legislation were reviewed and passed upon by the Chairmen and ranking minority members of both Armed Services Committees of the Congress. A retirement board of senior Agency employees reviews every retirement case to see whether an individual has performed the necessary qualifying service for inclusion in CIARDS. This was done in the case of [] and it was determined that he did not have sufficient service as set out in the statute.

[] notes in his letter of 23 May that he knows of several precedents of CIARDS retirement being granted in similar cases. As indicated above, the entire personnel records of employees who are considered for possible selection as participants in CIARDS are reviewed most carefully. However, no two cases are identical and I can only assure you that his case has been considered again most thoroughly, with the determination that he does not have the required qualifying service.

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To grant [] admission to CIARDS would do violence to the spirit and intent of the Agency's presentation to the Congress on CIARDS and to the ensuing legislation itself. While we would very much like to accommodate [] the Agency simply has no authority to do what he asks.

If there is anything more that I or the Agency can do to help clarify this matter, please advise.

Sincerely,

[]

Acting Legislative Counsel

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